

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02327-KBJ**

FRIENDS OF THE RIVER v. UNITED STATES ARMY
CORPS OF ENGINEERS et al
Assigned to: Judge Ketanji Brown Jackson
Case in other court: California Northern, 4:16-cv-05052
Cause: 05:552 Freedom of Information Act

Date Filed: 11/23/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

FRIENDS OF THE RIVER
a non-profit corporation

represented by **Andrea C. Ferster**
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V.

Defendant

**UNITED STATES ARMY CORPS OF
ENGINEERS**

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 TERMINATED: 06/27/2017

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Defendant

Lt. General TODD T. SEMONITE
*as Commanding General of the United
 States Army Corps of Engineers*

represented by **Jeremy Allen Haugh**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Derrick Wayne Grace
 (See above for address)
 TERMINATED: 06/27/2017

Roberto Cesar Martens , Jr.
 (See above for address)
 TERMINATED: 07/27/2019

Shanna Laura Cronin
 (See above for address)
 TERMINATED: 05/08/2018

Date Filed	#	Docket Text
09/01/2016	<u>1</u>	COMPLAINT against Todd T. Semonite, United States Army Corps of Engineers (Filing fee \$ 400, receipt number 0971-10737163.). Filed by Friends of the River. (Attachments: # <u>1</u> Civil Cover Sheet)(Weisselberg, Patricia) (Filed on 9/1/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/01/2016)
09/01/2016	<u>2</u>	Proposed Summons. (Weisselberg, Patricia) (Filed on 9/1/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/01/2016)
09/01/2016	3	Case assigned to Magistrate Judge Kandis A. Westmore. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by

		9/15/2016. (cjlS, COURT STAFF) (Filed on 9/1/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/01/2016)
09/01/2016	<u>4</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/29/2016. Case Management Conference set for 12/6/2016 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (cjlS, COURT STAFF) (Filed on 9/1/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/01/2016)
09/01/2016	<u>5</u>	Summons Issued as to Todd T. Semonite, United States Army Corps of Engineers. (cjlS, COURT STAFF) (Filed on 9/1/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/01/2016)
09/02/2016	<u>6</u>	CERTIFICATE OF SERVICE by Friends of the River (Weisselberg, Patricia) (Filed on 9/2/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/02/2016)
09/06/2016	<u>7</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Friends of the River.. (Weisselberg, Patricia) (Filed on 9/6/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/06/2016)
09/07/2016	<u>8</u>	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (cjlS, COURT STAFF) (Filed on 9/7/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/07/2016)
09/07/2016	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Yvonne Gonzalez Rogers for all further proceedings. Magistrate Judge Kandis A. Westmore no longer assigned to the case. Signed by the Executive Committee on September 7, 2016. (cjlS, COURT STAFF) (Filed on 9/7/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/07/2016)
09/14/2016	<u>10</u>	CERTIFICATE OF SERVICE by Friends of the River (Weisselberg, Patricia) (Filed on 9/14/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/14/2016)
09/16/2016	<u>11</u>	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE. Case Management Statement due by 12/5/2016. Initial Case Management Conference set for Monday, 12/12/2016 02:00 PM before Hon. Judge Yvonne Gonzalez Rogers in Courtroom 1, 4th Floor, Oakland. (Attachments: # <u>1</u> Standing Order) (fs, COURT STAFF) (Filed on 9/16/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 09/16/2016)
10/06/2016	<u>12</u>	MOTION to Dismiss <i>or in the alternative, Motion to Transfer</i> filed by Todd T. Semonite, United States Army Corps of Engineers. Motion Hearing set for 11/15/2016 02:00 PM in Courtroom 1, 4th Floor, Oakland before Hon. Yvonne Gonzalez Rogers. Responses due by 10/20/2016. Replies due by 10/27/2016. (Attachments: # <u>1</u> Declaration of Sara Platt, # <u>2</u> Exhibit A-M, # <u>3</u> Request for Judicial Notice, # <u>4</u> Proposed Order)(Reding, Ann) (Filed on 10/6/2016) Modified on 10/21/2016 (cpS, COURT STAFF). [Transferred from California Northern on 11/23/2016.] (Entered: 10/06/2016)
10/11/2016	<u>13</u>	NOTICE of Substitution of Counsel by Julie Bibb Davis (Davis, Julie) (Filed on 10/11/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 10/11/2016)

10/20/2016	<u>14</u>	RESPONSE (re <u>12</u> MOTION to Dismiss <i>or in the alternative, Motion to Transfer</i>) filed by Friends of the River. (Attachments: # <u>1</u> Weisselberg declaration, # <u>2</u> Ex. 1, # <u>3</u> Ex. 2, # <u>4</u> Ex. 3, # <u>5</u> Ex. 4, # <u>6</u> Ex. 5, # <u>7</u> Ex. 6, # <u>8</u> Ex. 7, # <u>9</u> Ex. 8, # <u>10</u> Ex. 9, # <u>11</u> Ex. 10, # <u>12</u> Ex. 11, # <u>13</u> Ex. 12, # <u>14</u> Ex. 13, # <u>15</u> Request for Judicial Notice, # <u>16</u> Proposed Order)(Weisselberg, Patricia) (Filed on 10/20/2016) Modified on 10/21/2016 (cpS, COURT STAFF). [Transferred from California Northern on 11/23/2016.] (Entered: 10/20/2016)
10/21/2016	<u>15</u>	NOTICE of Appearance by Christopher Alan Sproul (Sproul, Christopher) (Filed on 10/21/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 10/21/2016)
10/27/2016	<u>16</u>	REPLY (re <u>12</u> MOTION to Dismiss <i>or in the alternative, Motion to Transfer</i>) filed by Todd T. Semonite, United States Army Corps of Engineers. (Davis, Julie) (Filed on 10/27/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 10/27/2016)
11/10/2016	<u>17</u>	CLERK'S NOTICE VACATING MOTION HEARING SET TUESDAY, NOVEMBER 15, 2016 AT 2:00 PM [RE DKT. NO. 12] (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (fs, COURT STAFF) (Filed on 11/10/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 11/10/2016)
11/15/2016	<u>18</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Davis, Julie) (Filed on 11/15/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 11/15/2016)
11/15/2016	<u>19</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Weisselberg, Patricia) (Filed on 11/15/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 11/15/2016)
11/15/2016	<u>20</u>	STIPULATION and Proposed Order selecting Mediation by Todd T. Semonite, United States Army Corps of Engineers filed by Todd T. Semonite, United States Army Corps of Engineers, Friends of the River. (Davis, Julie) (Filed on 11/15/2016) Modified on 11/16/2016 (cpS, COURT STAFF). [Transferred from California Northern on 11/23/2016.] (Entered: 11/15/2016)
11/22/2016	<u>21</u>	ORDER by Judge Yvonne Gonzalez Rogers granting in part <u>12</u> Defendant's Motion to Dismiss and Transferring for Improper Venue. Clerk of court shall transfer this case to the District of Columbia. (fs, COURT STAFF) (Filed on 11/22/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 11/22/2016)
11/23/2016		Electronically transferred case to the District of Columbia (cpS, COURT STAFF) (Filed on 11/23/2016) [Transferred from California Northern on 11/23/2016.] (Entered: 11/23/2016)
11/23/2016	<u>22</u>	Case transferred in from District of California Northern; Case Number 4:16–cv–05052. Original file certified copy of transfer order and docket sheet received. (Entered: 11/23/2016)
11/23/2016	<u>23</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non–conforming motions. Signed by Judge Ketanji Brown Jackson on 11/23/2016. (lckbj1) (Entered: 11/23/2016)
11/23/2016		MINUTE ORDER requiring the parties to file a Joint Notice, on or before 12/9/2016, informing the Court of whether they consent to a referral to the Circuit Mediation Program. Information regarding the Mediation Program is available at http://www.dcd.uscourts.gov/court-mediation-program . Signed by Judge Ketanji Brown Jackson on 11/23/2016. (lckbj1) (Entered: 11/23/2016)
12/09/2016	<u>24</u>	NOTICE of Appearance by Derrick Wayne Grace on behalf of TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Grace, Derrick) (Entered: 12/09/2016)

		12/09/2016)
12/09/2016	<u>25</u>	NOTICE of Appearance by Andrea C. Ferster on behalf of FRIENDS OF THE RIVER (Ferster, Andrea) (Entered: 12/09/2016)
12/09/2016	<u>26</u>	Joint MOTION for Extension of Time to <i>respond to Court's November 23, 2016 Minute Order</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Grace, Derrick) (Entered: 12/09/2016)
12/12/2016		MINUTE ORDER granting <u>26</u> Joint Motion for Extension of Time to Respond to Court's November 23, 2016 Minute Order. It is hereby ORDERED that the parties shall file a Joint Notice, on or before 12/16/2016, informing the Court of whether they consent to a referral to the Circuit Mediation Program. Signed by Judge Ketanji Brown Jackson on 12/12/2016. (lckbj1) (Entered: 12/12/2016)
12/15/2016	<u>27</u>	Consent MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Patricia Weisselberg, :Firm– LAW OFFICE OF PATRICIA WEISSELBERG, :Address– 115 Oakdale Avenue, Mill Valley, CA 94941. Phone No. – (415) 388–2303. Fax No. – (415) 388–2303 Filing fee \$ 100, receipt number 0090–4778047. Fee Status: Fee Paid. by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Text of Proposed Order)(Ferster, Andrea) (Entered: 12/15/2016)
12/15/2016	<u>28</u>	Consent MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher A Sproul, :Firm– Environmental Advocates, :Address– 5135 Anza Street, San Francisco, CA 94121. Phone No. – (415) 533–3376. Fax No. – (415) 358–5695 Filing fee \$ 100, receipt number 0090–4778082. Fee Status: Fee Paid. by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Text of Proposed Order)(Ferster, Andrea) (Entered: 12/15/2016)
12/16/2016	<u>29</u>	Joint STATUS REPORT <i>and Motion for Briefing Schedule</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (Grace, Derrick) (Entered: 12/16/2016)
12/16/2016	30	MOTION for Briefing Schedule by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (See Docket Entry <u>29</u> to view document). (znmw) (Entered: 12/19/2016)
12/19/2016		MINUTE ORDER denying without prejudice and with leave to refile <u>27</u> , <u>28</u> Motions for Leave to Appear Pro Hac Vice for failure to comply with this Court's Local Rules. See LCvR 83.2(d) (requiring declaration in support of motion for leave to appear pro hac vice to set forth six specific items of information). Signed by Judge Ketanji Brown Jackson on 12/19/2016. (lckbj1) (Entered: 12/19/2016)
12/19/2016	<u>31</u>	Consent MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Patricia Weisselberg, :Firm– LAW OFFICE OF PATRICIA WEISSELBERG, :Address– 115 Oakdale Avenue, Mill Valley, CA 94941. Phone No. – (415) 388–2303. Fax No. – (415) 388–2303 Filing fee \$ 100, receipt number 0090–4781651. Fee Status: Fee Paid. by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Text of Proposed Order)(Ferster, Andrea) (Entered: 12/19/2016)
12/19/2016	<u>32</u>	Consent MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher A Sproul, :Firm– Environmental Advocates, :Address– 5135 Anza Street, San Francisco, CA 94121. Phone No. – (415) 533–3376. Fax No. – (415) 358–5695 Filing fee \$ 100, receipt number 0090–4781662. Fee Status: Fee Paid. by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Text of Proposed Order)(Ferster, Andrea) (Entered: 12/19/2016)
12/21/2016		MINUTE ORDER granting <u>31</u> , <u>32</u> Motions for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Patricia Weisselberg and Christopher A Sproul are admitted pro hac vice in this matter as counsel for Plaintiff. Signed by Judge Ketanji Brown Jackson on 12/21/2016. (lckbj1) (Entered: 12/21/2016)
12/22/2016		MINUTE ORDER granting 30 Joint Motion for Briefing Schedule. It is hereby ORDERED that the following schedule is set for briefing summary judgment in this matter: Plaintiff's motion for summary judgment is due on or before 1/13/2017; Defendants' consolidated opposition thereto and cross–motion for summary judgment is due on or before 1/27/2017; Plaintiff's consolidated reply and cross–motion opposition is due on or before 2/10/2017; Defendants' cross–motion reply is due on or before 2/17/2017. Signed by Judge Ketanji Brown Jackson on 12/22/2016. (lckbj1) (Entered: 12/22/2016)

01/09/2017	<u>33</u>	STIPULATION <i>for Leave To File Amended Complaint</i> by FRIENDS OF THE RIVER. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint, # <u>2</u> Exhibit Redline of Proposed Amended Complaint)(Sproul, Christopher) (Entered: 01/09/2017)
01/10/2017		MINUTE ORDER. Pending before the Court is a <u>33</u> Stipulation and Order for Leave to File First Amended Complaint, in which the parties request that this Court enter an order approving the agreement they have reached with respect to Plaintiff filing an amended complaint, and a schedule for answers and/or motions related to that complaint. Because leave of court is not necessary under Federal Rule of Procedure 15(a)(2), as Defendants have consented to Plaintiff amending its complaint, the Clerk of Court is instructed to lodge ECF No. 33-1 as the operative Amended Complaint in this matter. The Court will construe the parties' stipulation regarding the time frame for Defendants to respond to the Amended Complaint as a motion for an extension of time to answer, and so construed, it is hereby ORDERED that the motion is GRANTED, and Defendants shall answer or otherwise respond to the Amended Complaint on or before 2/9/2017. Any further requests for extensions of time must be made by motion and otherwise comply with <u>23</u> the Court's General Order and Guidelines for Civil Cases. Counsel is specifically directed to Section 5 of the Appendix to the General Order and Guidelines. Signed by Judge Ketanji Brown Jackson on 1/10/2017. (lckbj1) (Entered: 01/10/2017)
01/10/2017	<u>34</u>	First AMENDED COMPLAINT against TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS filed by FRIENDS OF THE RIVER.(td) (Entered: 01/11/2017)
01/13/2017	<u>35</u>	MOTION for Summary Judgment by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Christopher Sproul, # <u>3</u> Declaration of Patricia Weisselberg, # <u>4</u> Exhibit Index of exhibits, # <u>5</u> Exhibit Exhibit 1, Weisselberg Declaration, # <u>6</u> Exhibit Exhibit 2, Weisselberg Declaration, # <u>7</u> Exhibit Exhibit 3, Weisselberg Declaration, # <u>8</u> Exhibit Exhibit 4, Weisselberg Declaration, # <u>9</u> Exhibit Exhibit 5, Weisselberg Declaration, # <u>10</u> Exhibit Exhibit 6, Weisselberg Declaration, # <u>11</u> Exhibit Exhibit 7, Weisselberg Declaration, # <u>12</u> Exhibit Exhibit 8, Weisselberg Declaration, # <u>13</u> Exhibit Exhibit 9, Weisselberg Declaration, # <u>14</u> Exhibit Exhibit 10, Weisselberg Declaration, # <u>15</u> Exhibit Exhibit 11, Weisselberg Declaration, # <u>16</u> Exhibit Exhibit 12, Weisselberg Declaration, # <u>17</u> Exhibit Exhibit 13, Weisselberg Declaration, # <u>18</u> Exhibit Exhibit 14, Weisselberg Declaration, # <u>19</u> Exhibit Exhibit 15, Weisselberg Declaration, # <u>20</u> Exhibit Exhibit 16, Weisselberg Declaration, # <u>21</u> Exhibit Exhibit 17, Weisselberg Declaration, # <u>22</u> Exhibit Exhibit 18, Weisselberg Declaration, # <u>23</u> Exhibit Exhibit 19, Weisselberg Declaration, # <u>24</u> Exhibit Exhibit 20, Weisselberg Declaration, # <u>25</u> Exhibit Exhibit 21, Weisselberg Declaration, # <u>26</u> Exhibit Exhibit 22, Weisselberg Declaration, # <u>27</u> Exhibit Exhibit 23, Weisselberg Declaration, # <u>28</u> Exhibit Exhibit 24, Weisselberg Declaration, # <u>29</u> Exhibit Exhibit 25, Weisselberg Declaration, # <u>30</u> Exhibit Exhibit 26, Weisselberg Declaration, # <u>31</u> Exhibit Exhibit 27, Weisselberg Declaration, # <u>32</u> Exhibit Exhibit 28, Weisselberg Declaration, # <u>33</u> Exhibit Exhibit 29, Weisselberg Declaration)(Sproul, Christopher) (Entered: 01/13/2017)
01/13/2017	<u>36</u>	NOTICE of Proposed Order re <u>35</u> Motion for Summary Judgment by FRIENDS OF THE RIVER (Sproul, Christopher) Modified event title on 1/17/2017 (znmw). (Entered: 01/13/2017)
01/24/2017	<u>37</u>	Consent MOTION for Extension of Time to File Response/Reply to Plaintiff's Motion for Summary Judgment by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Grace, Derrick) (Entered: 01/24/2017)
01/24/2017		MINUTE ORDER granting Defendants' <u>37</u> Motion to Amend the Briefing Schedule. It is hereby ORDERED that Defendants' Cross-Motion and opposition to Plaintiff's Motion is due on or before February 9, 2017, Plaintiff's reply in support of its Motion and opposition to Defendants' Cross-Motion is due on or before February 23, 2017, and Defendants' reply in support of their Cross-Motion is due on or before March 2, 2017. Signed by Judge Ketanji Brown Jackson on January 24, 2017. (lckbj2) (Entered: 01/24/2017)
01/25/2017		Set/Reset Deadlines: Response to Motion for Summary Judgment and Cross Motions due by 2/9/2017. Response to Cross Motions and Reply to Motion for Summary Judgment due by 2/23/2017. Reply to Cross Motions due by 3/2/2017. (gdf) (Entered: 01/25/2017)

02/09/2017	<u>38</u>	Memorandum in opposition to re <u>35</u> MOTION for Summary Judgment <i>and Partial Motion to Dismiss and Motion to Stay Proceedings</i> filed by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Declaration Ms. Platt, # <u>2</u> Declaration Ms. Green, # <u>3</u> Exhibit 1, # <u>4</u> Statement of Facts Defendant's Response to Plaintiff's)(Grace, Derrick) (Entered: 02/09/2017)
02/09/2017	39	MOTION to Dismiss, MOTION for a Stay in the proceedings re <u>1</u> Complaint, by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (td) Modified on 2/10/2017 (td). (See docket entry no. <u>38</u> to view document.) (Entered: 02/10/2017)
02/10/2017	<u>40</u>	NOTICE of filing <i>Platt Declaration with exhibits and Response to Plaintiff's Statement of Material Facts</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS re <u>38</u> Memorandum in Opposition, 39 MOTION to Dismiss MOTION to Stay re <u>1</u> Complaint, (Attachments: # <u>1</u> Declaration Platt with Table of Contents, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Statement of Facts Response to Plaintiff's Stament of Material Fact)(Grace, Derrick) (Entered: 02/10/2017)
02/23/2017	<u>41</u>	MEMORANDUM IN OPPOSITION to motion re 39 MOTION to Dismiss MOTION to Stay re <u>1</u> Complaint, filed by FRIENDS OF THE RIVER. (Attachments: # <u>1</u> Sproul Reply Declaration, # <u>2</u> Weisselberg Reply Declaration, # <u>3</u> Ex. 1, # <u>4</u> Ex. 2, # <u>5</u> Ex. 3, # <u>6</u> Ex. 4, # <u>7</u> Ex. 5, # <u>8</u> Ex. 6)(Weisselberg, Patricia) Modified text event on 2/24/2017 (td). (Entered: 02/23/2017)
03/02/2017	<u>42</u>	Consent MOTION for Extension of Time to File Response/Reply <i>in support of its motion to dismiss</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Grace, Derrick) (Entered: 03/02/2017)
03/03/2017		MINUTE ORDER granting Defendant's <u>42</u> Consent Motion for Extension of Time. It is hereby ORDERED that Defendant's reply in support of its Motion to Dismiss and Motion for a Stay is due on or before March 6, 2017. Signed by Judge Ketanji Brown Jackson on March 3, 2017. (lckbj2) (Entered: 03/03/2017)
03/06/2017	<u>43</u>	REPLY to opposition to motion re 39 MOTION to Dismiss MOTION to Stay re <u>1</u> Complaint, filed by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Exhibit)(Grace, Derrick) (Entered: 03/06/2017)
04/20/2017		MINUTE ORDER setting Status Conference for 5/11/2017 at 02:30 PM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 04/20/2017. (lckbj1) (Entered: 04/20/2017)
04/24/2017	<u>44</u>	MOTION to Reschedule Status Conference by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Text of Proposed Order)(Sproul, Christopher) Modified on 4/25/2017 (to correct docket event/text jf). (Entered: 04/24/2017)
04/25/2017	<u>45</u>	Amended MOTION for Scheduling Order <i>to reschedule Status Conference</i> by FRIENDS OF THE RIVER (Sproul, Christopher) (Entered: 04/25/2017)
04/26/2017		MINUTE ORDER GRANTING, for good cause shown, <u>44</u> Consent Motion to Reschedule Status Conference, and finding as moot <u>45</u> Amended Motion to Reschedule Status Conference. It is hereby ORDERED that the Status Conference set for 5/11/2017, is VACATED and RESET for 6/1/2017 at 02:15 PM in Courtroom 17 before Judge Ketanji Brown Jackson. It is FURTHER ORDERED that Plaintiff's principal trial counsel is GRANTED leave to appear at the status conference telephonically so long as Plaintiff's local counsel appears at the status conference in person. Signed by Judge Ketanji Brown Jackson on 04/26/2017. (lckbj1) (Entered: 04/26/2017)
06/01/2017		MINUTE ORDER. The parties appeared before this Court for a status conference on June 1, 2017. For the reasons already stated on the record in open court, it is hereby ORDERED that <u>35</u> Plaintiff's Motion for Summary Judgment, 39 Defendants' Motion to Dismiss, and 39 Defendants' Motion for a Stay in the Proceedings are DENIED WITHOUT PREJUDICE. It is FURTHER ORDERED that the parties shall promptly confer and shall file a joint proposed schedule for document production and further proceedings, on or before June 29, 2017. Signed by Judge Ketanji Brown Jackson on

		06/01/2017. (lckbj3) (Entered: 06/01/2017)
06/01/2017		Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Status Conference held on 6/1/2017. Order to be entered by Chambers. (Court Reporter Barbara DeVico) (gdf) (Entered: 06/02/2017)
06/27/2017	<u>46</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Shanna Laura Cronin on behalf of All Defendants Substituting for attorney Derrick Grace (Cronin, Shanna) (Entered: 06/27/2017)
06/29/2017	<u>47</u>	Joint STATUS REPORT [PROPOSED] JOINT SCHEDULE FOR DOCUMENT PRODUCTION AND FURTHER PROCEEDINGS by FRIENDS OF THE RIVER. (Sproul, Christopher) (Entered: 06/29/2017)
06/29/2017		MINUTE ORDER. It is hereby ORDERED that the search parameters and production schedule set out in the parties' <u>47</u> Joint Status Report is ADOPTED, and that the parties shall file a further Joint Status Report on or before 9/8/2017, which shall include a proposed deadline for submission of a Vaughn Index and a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 06/29/2017. (lckbj1,) (Entered: 06/29/2017)
09/06/2017	<u>48</u>	STIPULATION and proposed order to modify document production schedule by FRIENDS OF THE RIVER. (Weisselberg, Patricia) (Entered: 09/06/2017)
09/07/2017		MINUTE ORDER. Pending before the Court is a <u>48</u> Stipulation and Proposed Order to Modify Schedule for Document Production that the parties have filed, which purports to extend the document production schedule that this Court has ordered in the instant case. The Court will once again refer the parties to it <u>23</u> General Order and Guidelines, and in particular Section 5(b), which states that "[t]he Court will not entertain or honor stipulations for extension of time. Instead, counsel seeking an extension of a deadline shall file a written motion at least two (2) business days prior to the expiration of the deadline that includes" specific information. The Court also directs the parties to Section 5(f), which provides that, "[t]he parties may not stipulate to extended deadlines, stays, or other matters altering the timing of the litigation or any other order of the Court[.]" and further instructs that, "[i]f the parties desire for this Court to sign any [] stipulation or enter an order approving it, they must file a motion making that request." Should the parties desire an extension of any deadlines that this Court has ordered, it must make such a request in a motion that complies with the Local Rules for the District of Columbia and this Court's General Order and Guidelines. Signed by Judge Ketanji Brown Jackson on 09/07/2017. (lckbj1) (Entered: 09/07/2017)
09/07/2017	<u>49</u>	Joint MOTION for Extension of Time to <i>Modify Production Schedule</i> by UNITED STATES ARMY CORPS OF ENGINEERS (Cronin, Shanna) (Entered: 09/07/2017)
09/08/2017	<u>50</u>	Joint STATUS REPORT by UNITED STATES ARMY CORPS OF ENGINEERS. (Cronin, Shanna) (Entered: 09/08/2017)
09/12/2017		MINUTE ORDER granting, for good cause shown, <u>49</u> Consent Motion to Modify Schedule for Document Production, nunc pro tunc. It is hereby ORDERED that the document production deadlines that this Court previously set are amended as follows: Defendants shall produce all documents from Los Angeles District for FOIA 2 and FOIA 4 on or before 8/31/2017, and Defendants shall complete consultation with FWS and turn over the remaining two sets of documents on or before 9/19/2017. Signed by Judge Ketanji Brown Jackson on 09/12/2017. (lckbj1) (Entered: 09/12/2017)
09/12/2017		MINUTE ORDER. Based on the representations in the parties' <u>50</u> Joint Status Report, and in light of the fact that inter-agency coordination and document production is ongoing, it is hereby ORDERED that the parties shall submit a further joint status report on or before 11/1/2017. The Court will entertain a proposed schedule for submission of a Vaughn Index and summary judgment briefing at that time, provided that document production is complete. Signed by Judge Ketanji Brown Jackson on 09/12/2017. (lckbj1) (Entered: 09/12/2017)
11/01/2017	<u>51</u>	Joint STATUS REPORT by FRIENDS OF THE RIVER. (Weisselberg, Patricia) (Entered: 11/01/2017)
11/08/2017		MINUTE ORDER adopting the parties' joint proposed briefing schedule. It is hereby ORDERED that the following deadlines for briefing summary judgment are set:

		Plaintiff's motion for summary judgment is due on or before 12/22/2017; Defendants' consolidated opposition and cross-motion for summary judgment is due on or before 1/22/2018; Plaintiff's consolidated reply and cross-motion opposition is due on or before 2/5/2018; Defendants' cross-motion reply is due on or before 2/12/2018. Signed by Judge Ketanji Brown Jackson on 11/8/2017. (lckbj1) (Entered: 11/08/2017)
12/22/2017	<u>52</u>	MOTION for Summary Judgment by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Declaration, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 30, # <u>4</u> Exhibit 31, # <u>5</u> Exhibit 32, # <u>6</u> Exhibit 33, # <u>7</u> Exhibit 34, # <u>8</u> Exhibit 35, # <u>9</u> Exhibit 36, # <u>10</u> Exhibit 37, # <u>11</u> Exhibit 38, # <u>12</u> Exhibit 39, # <u>13</u> Exhibit 40, # <u>14</u> Exhibit 41, # <u>15</u> Exhibit 42, # <u>16</u> Exhibit 43, # <u>17</u> Exhibit 44, # <u>18</u> Exhibit 45, # <u>19</u> Exhibit 46, # <u>20</u> Exhibit 47, # <u>21</u> Exhibit 48, # <u>22</u> Exhibit 49, # <u>23</u> Exhibit 50, # <u>24</u> Exhibit 51, # <u>25</u> Text of Proposed Order, # <u>26</u> index of exhibits)(Weisselberg, Patricia) (Entered: 12/22/2017)
01/18/2018	<u>53</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>MSJ</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Cronin, Shanna) (Entered: 01/18/2018)
01/23/2018		MINUTE ORDER granting, for good cause shown, <u>53</u> Consent Motion for Extension of Time to File Response re <u>52</u> Motion for Summary Judgment, nunc pro tunc. It is hereby ORDERED that the briefing deadlines in this matter are amended as follows: Defendants' consolidated opposition and cross-motion for summary judgment is due on or before 2/6/2018; Plaintiff's consolidated reply and cross-motion opposition is due on or before 2/20/2018; Defendants' cross-motion reply is due on or before 2/27/2018. Signed by Judge Ketanji Brown Jackson on 1/23/2018. (lckbj1) (Entered: 01/23/2018)
02/06/2018	<u>54</u>	Cross MOTION for Summary Judgment <i>and Opp to MSJ</i> by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS (Attachments: # <u>1</u> Statement of Facts Resp. to Pl Facts, # <u>2</u> Statement of Facts Defendants SOMF, # <u>3</u> Declaration Ex A, # <u>4</u> Declaration Ex B, # <u>5</u> Declaration Ex C, # <u>6</u> Declaration Ex D, # <u>7</u> Exhibit Ex 1 to D, # <u>8</u> Declaration Ex E, # <u>9</u> Declaration Ex F, # <u>10</u> Exhibit Ex G, # <u>11</u> Exhibit Ex H)(Cronin, Shanna) (Entered: 02/06/2018)
02/06/2018	55	Memorandum in opposition to re <u>52</u> MOTION for Summary Judgment filed by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (See Docket Entry <u>54</u> to view document). (znmw) (Entered: 02/07/2018)
02/20/2018	<u>56</u>	REPLY to opposition to motion re <u>52</u> MOTION for Summary Judgment filed by FRIENDS OF THE RIVER. (Attachments: # <u>1</u> Response to Defendants' Statement of Material Facts Not in Dispute, # <u>2</u> Reply Declaration of Patricia Linn, # <u>3</u> Ex. 52, # <u>4</u> Ex. 53, # <u>5</u> Ex. 54, # <u>6</u> Proposed Order, # <u>7</u> Index of Exhibits)(Weisselberg, Patricia) (Entered: 02/20/2018)
02/20/2018	57	Memorandum in opposition to re <u>54</u> Cross MOTION for Summary Judgment <i>and Opp to MSJ</i> filed by FRIENDS OF THE RIVER. (See Docket Entry <u>56</u> to view document). (znmw) (Entered: 02/21/2018)
02/27/2018	<u>58</u>	REPLY to opposition to motion re <u>54</u> Cross MOTION for Summary Judgment <i>and Opp to MSJ</i> , <u>52</u> MOTION for Summary Judgment filed by TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS. (Cronin, Shanna) (Entered: 02/27/2018)
05/08/2018	<u>59</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jeremy Allen Haugh on behalf of TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS Substituting for attorney Shanna Cronin (Haugh, Jeremy) (Entered: 05/08/2018)
06/18/2018	<u>60</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Exhibit 1)(Weisselberg, Patricia) (Entered: 06/18/2018)
11/21/2018	<u>61</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Weisselberg, Patricia) (Entered: 11/21/2018)
12/14/2018	<u>62</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Roberto Cesar Martens, Jr on behalf of All Defendants Substituting for attorney Jeremy A. Haugh (Martens, Roberto) (Entered: 12/14/2018)

05/31/2019	<u>63</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by FRIENDS OF THE RIVER (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Weisselberg, Patricia) (Entered: 05/31/2019)
06/24/2019		MINUTE ORDER. It is hereby ORDERED that a motion hearing is set on the parties' cross-motions for summary judgment for Thursday, August 22, 2019, at 02:30 PM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 6/24/2019. (lckbj2) (Entered: 06/24/2019)
07/27/2019	<u>64</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jeremy Allen Haugh on behalf of TODD T. SEMONITE, UNITED STATES ARMY CORPS OF ENGINEERS Substituting for attorney Roberto Martens (Haugh, Jeremy) (Entered: 07/27/2019)
08/20/2019	<u>65</u>	NOTICE of Telephonic Appearance by FRIENDS OF THE RIVER (Ferster, Andrea) (Entered: 08/20/2019)
08/22/2019		Minute Entry for Motion Hearing proceedings held before Judge Ketanji Brown Jackson on 8/22/2019, re <u>52</u> MOTION for Summary Judgment, and <u>54</u> Cross MOTION for Summary Judgment. Oral arguments heard and motions taken under advisement. Oral Ruling set for 9/17/2019 at 2:30 PM in Courtroom 17 before Judge Ketanji Brown Jackson. (Court Reporter: Nancy Meyer) (zgdf) (Entered: 08/23/2019)
09/15/2019	<u>66</u>	NOTICE of Telephonic Appearance by FRIENDS OF THE RIVER (Weisselberg, Patricia) (Entered: 09/15/2019)
09/17/2019		Minute Entry for Motion Hearing proceedings held on 9/17/2019 before Judge Ketanji Brown Jackson. Oral order granting in part and denying in part <u>52</u> Motion for Summary Judgment; denying <u>54</u> Motion for Summary Judgment. For the reasons stated on the record in open court. Scheduling order forthcoming via Chambers. (Court Reporter Nancy Meyer.) (ztl) (Entered: 09/18/2019)
09/18/2019		MINUTE ORDER. In light of this Court's ruling on the parties' cross-motions for summary judgment (see Min. Entry of Sept. 17, 2019), it is hereby ORDERED that the parties shall file, on or before October 2, 2019, a joint proposed schedule for document production and further proceedings. Signed by Judge Ketanji Brown Jackson on 9/18/2019. (lckbj2) (Entered: 09/18/2019)